



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.
200600323

Issuance Date: June 5, 2006

Stream:
Un/Trib Middle Fork Little Beaver Creek

Closing Date: July 5, 2006

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-F Public Notice No. (*reference above*)
Ohio Regulatory Transportation Office
Building 10, Section 10
3990 East Broad Street
Columbus, Ohio 43218-3990

Phone: (614) 692-4660

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Ohio Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

LOCATION: The proposed project is located on an unnamed tributary of the Middle Fork of Little Beaver Creek in Goshen and Green Townships, Mahoning County, Ohio

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill material into approximately 600 linear feet (0.3 acre) of a captured stream. The fill material would be necessary for the installation of catch basins and 598' of storm sewer line. The captured stream carries the flow of an unnamed tributary of the Middle Fork of Little Beaver Creek south along the east side of SR 45. This proposal is part of a larger project involving the upgrade of State Route 45. A portion of this proposal was verified to meet the criteria of nationwide permit #3 on May 26, 2006.

Work at the site would include the excavation of accumulated sediments from the stream channel in order to facilitate installation of the storm sewer line. The material excavated from the stream channel would be temporarily stored on site and used as backfill for the sewerline installation activities. Approximately 205' of 24" diameter Type C sewer line and 36" diameter Type C sewer line would be placed into the stream channel. The sewer line would connect to the existing culvert under SR 45 (south to north).

Sediment basins would be installed within the stream channel for this activity. The unnamed tributary to the Middle Fork of Little Beaver Creek currently empties to the captured stream. Approximately 3 cubic yards of rock channel protection would be installed along 10' of stream channel at the storm sewer outlet. Upon project completion, the stream would enter a catch basin prior to entering the storm sewer.

Plans of the proposed project are attached to this public notice, pages 1 through 10, dated May 12, 2006.

MITIGATION PLAN: The applicant proposes stream mitigation at Calvary Run in Mill Creek Park. The stream mitigation site is located in the Mill Creek Watershed (HUC 05030103-080-010), which is located adjacent to the impacted watershed. A mitigation plan has been submitted to this office and is under review.

WATER QUALITY CERTIFICATION: A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) has been consulted and it has been preliminarily determined that there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species:

Indiana bat
Bald eagle

The Huntington District has consulted the most recently available information and based on the proposed avoidance and minimization measures, the project is not likely to adversely affect the Indiana bat and will have no effect on the bald eagle or designated critical habitat for these Federally listed species. This public notice serves as a request to the USFWS for any additional information they may have on whether any listed endangered or threatened species, or species proposed to be listed, may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the Clean Water Act. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

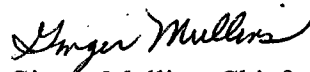
SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to

determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

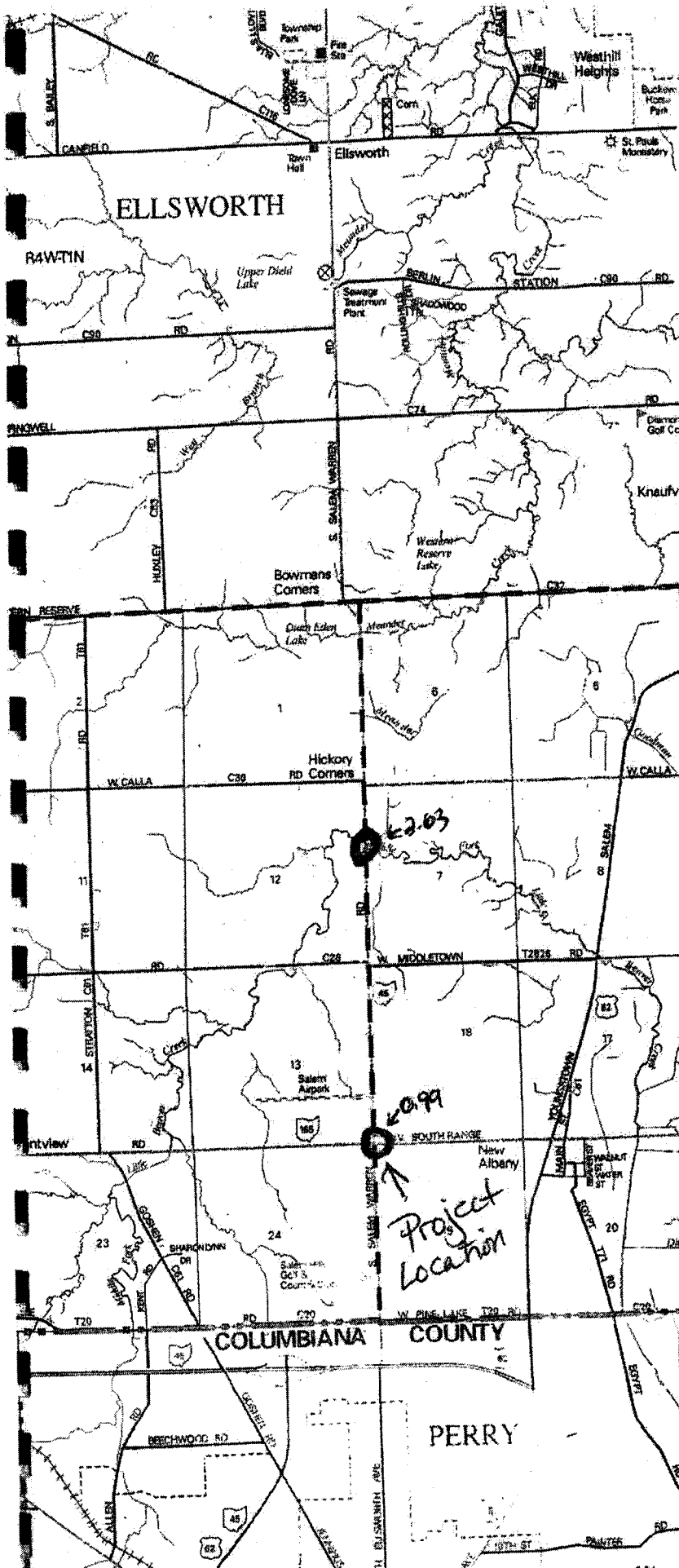
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Ohio Regulatory Transportation Office
Building 10, Section 10
Attn: Sheila M. Newman, COE #200600306
3990 East Broad Street
Columbus, Ohio 43218-3990

Please note that the names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Sheila M. Newman of the North Regulatory Section at 614-692-4660.


Ginger Mullins, Chief
Regulatory Branch

(O,



DATE:	6-1-05
PID:	19281
Project:	MAH-45-0.99/2.63
MAP:	Mahoning Co. Engineer
SCALE:	1.25" = 1 mile



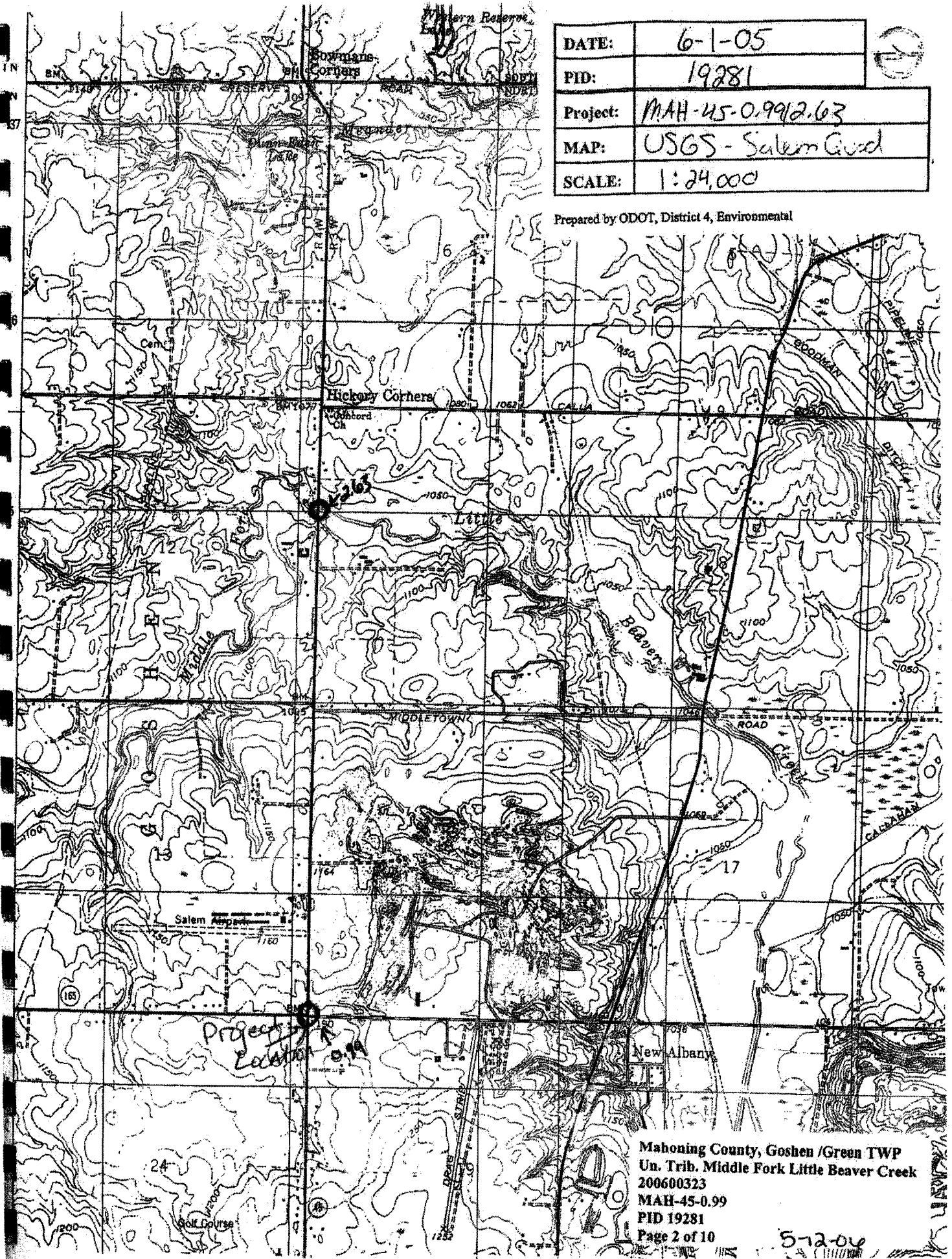
Prepared by ODOT, District 4, Environmental

Mahoning County, Goshen /Green TWP
 Un. Trib. Middle Fork Little Beaver Creek
 200600323
 MAH-45-0.99
 PID 19281
 Page 1 of 10

5-12-06

DATE:	6-1-05
PID:	19281
Project:	MAH-45-0.99/2.63
MAP:	USGS - Salem Quad
SCALE:	1:24,000

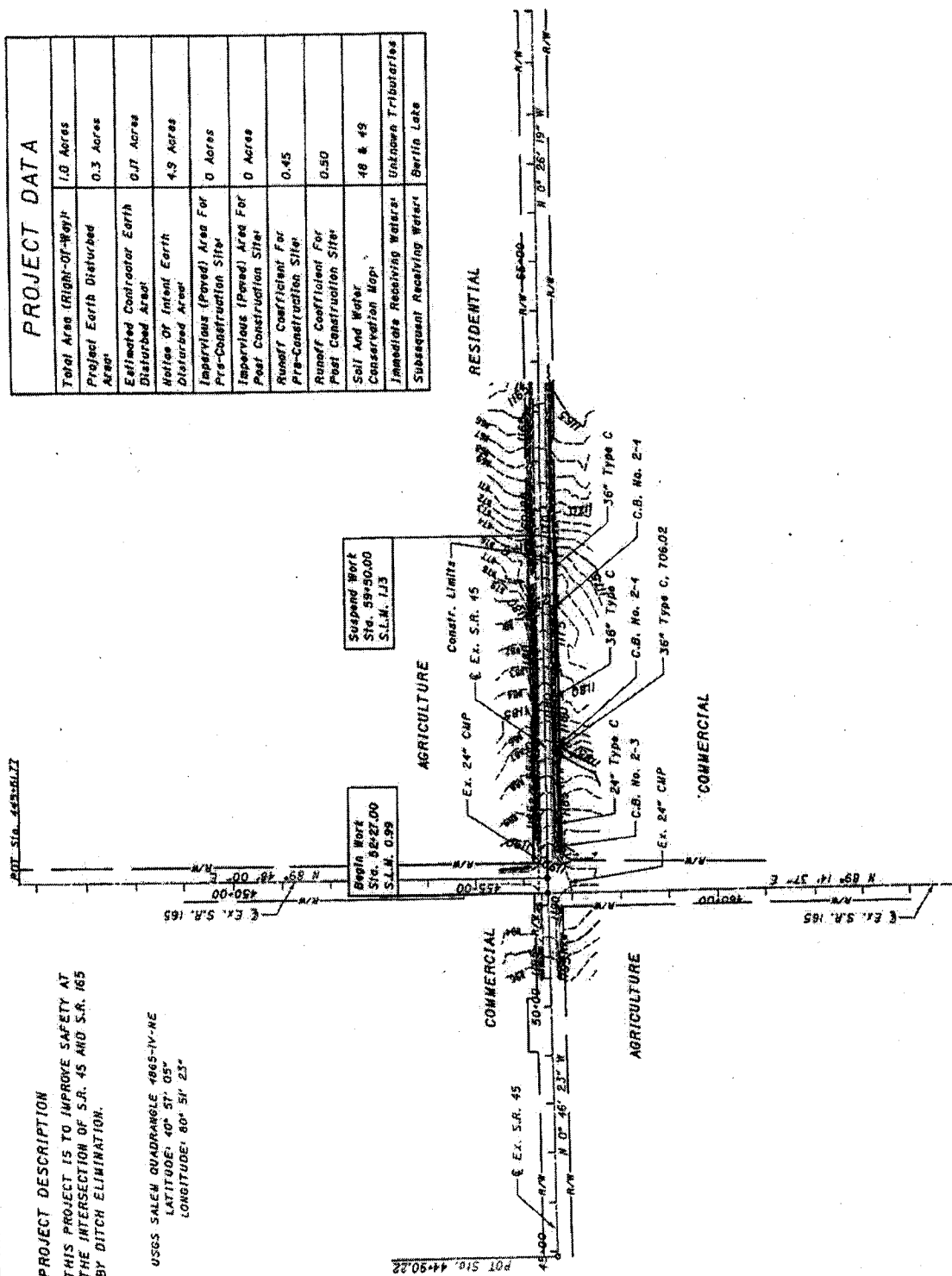
Prepared by ODOT, District 4, Environmental



Mahoning County, Goshen /Green TWP
 Un. Trib. Middle Fork Little Beaver Creek
 200600323
 MAH-45-0.99
 PID 19281
 Page 2 of 10

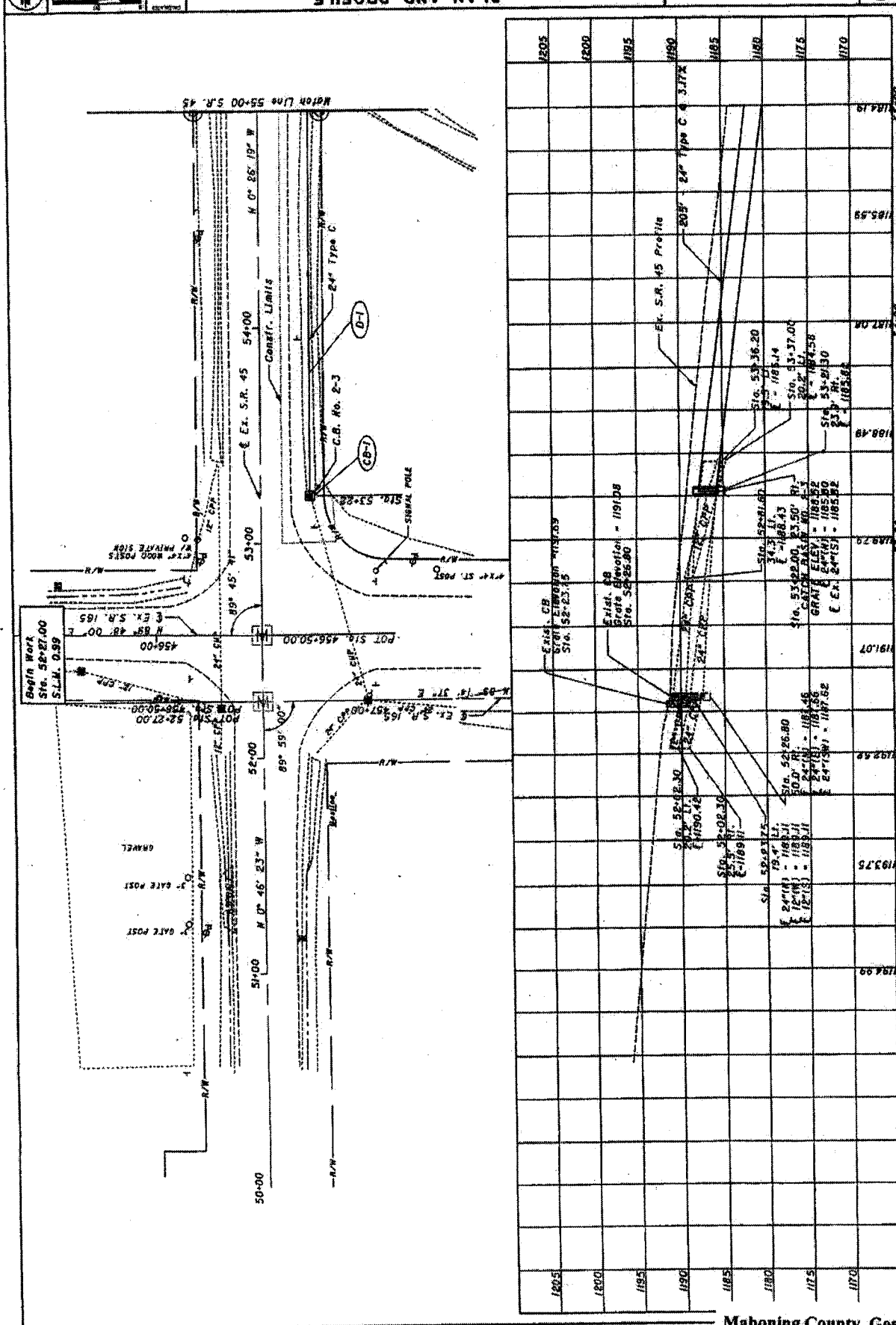
5-12-06

PROJECT DATA	
Total Area (Right-Of-Way)	1.0 Acres
Project Earth Disturbed Area*	0.3 Acres
Estimated Contributor Earth Disturbed Area†	0.17 Acres
Wetlands of Interest Earth Disturbed Area‡	4.9 Acres
Impervious (paved) Area For Pre-Construction Site§	0 Acres
Impervious (paved) Area For Post Construction Site¶	0 Acres
Runoff Coefficient For Pre-Construction Site§	0.45
Runoff Coefficient For Post Construction Site¶	0.50
Silt And Water Conservation Mop¶	48 & 49
Immediate Receiving Waters*	Unknown Tributaries
Subsequent Receiving Waters†	Berlin Lake

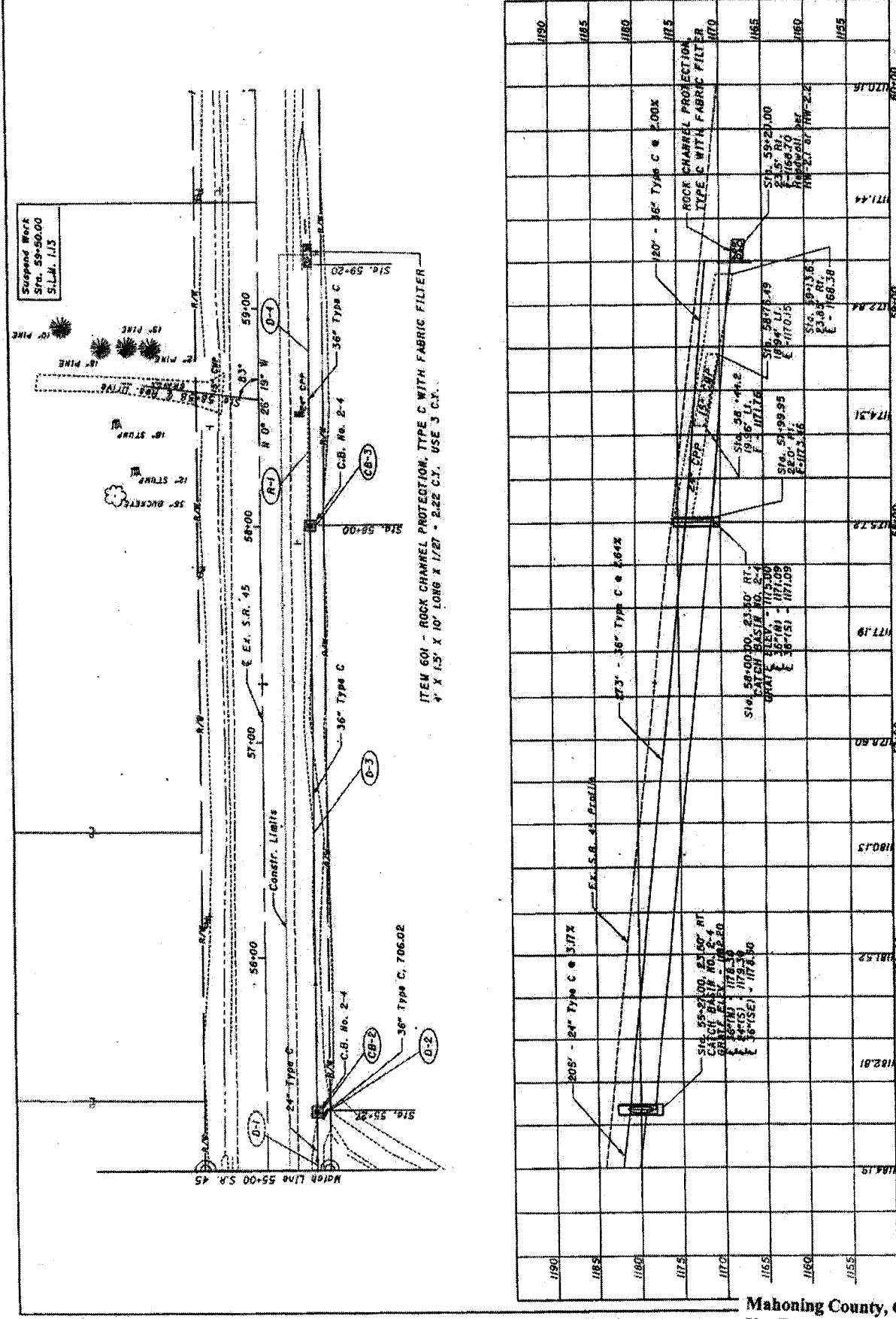


PROJECT DESCRIPTION

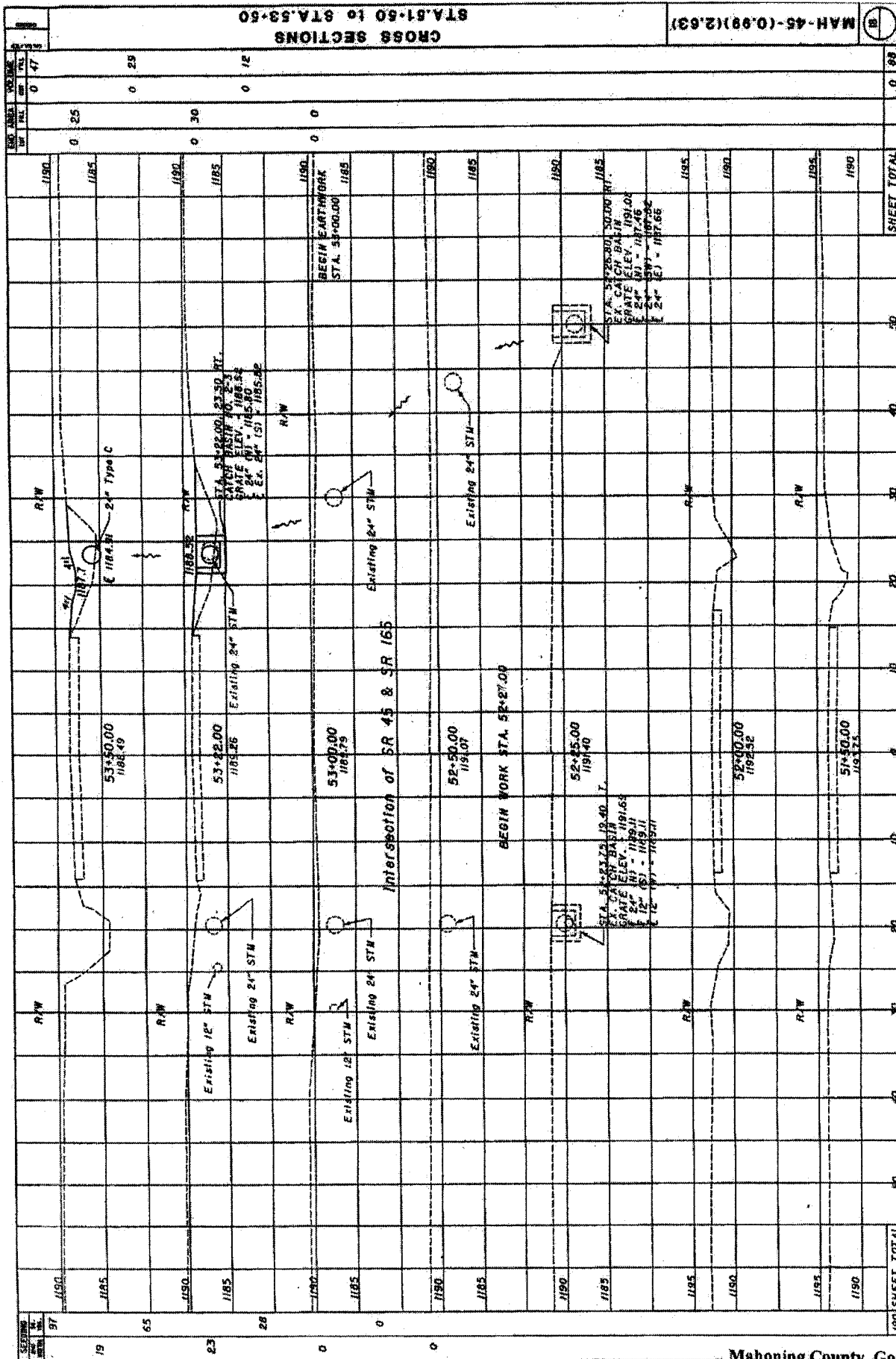
USGS SALEM QUADRANGLE 4865-IV-NE
LATITUDE: 40° 57' 05"
LONGITUDE: 80° 51' 23"



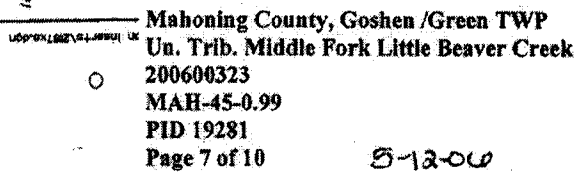
6-12-06

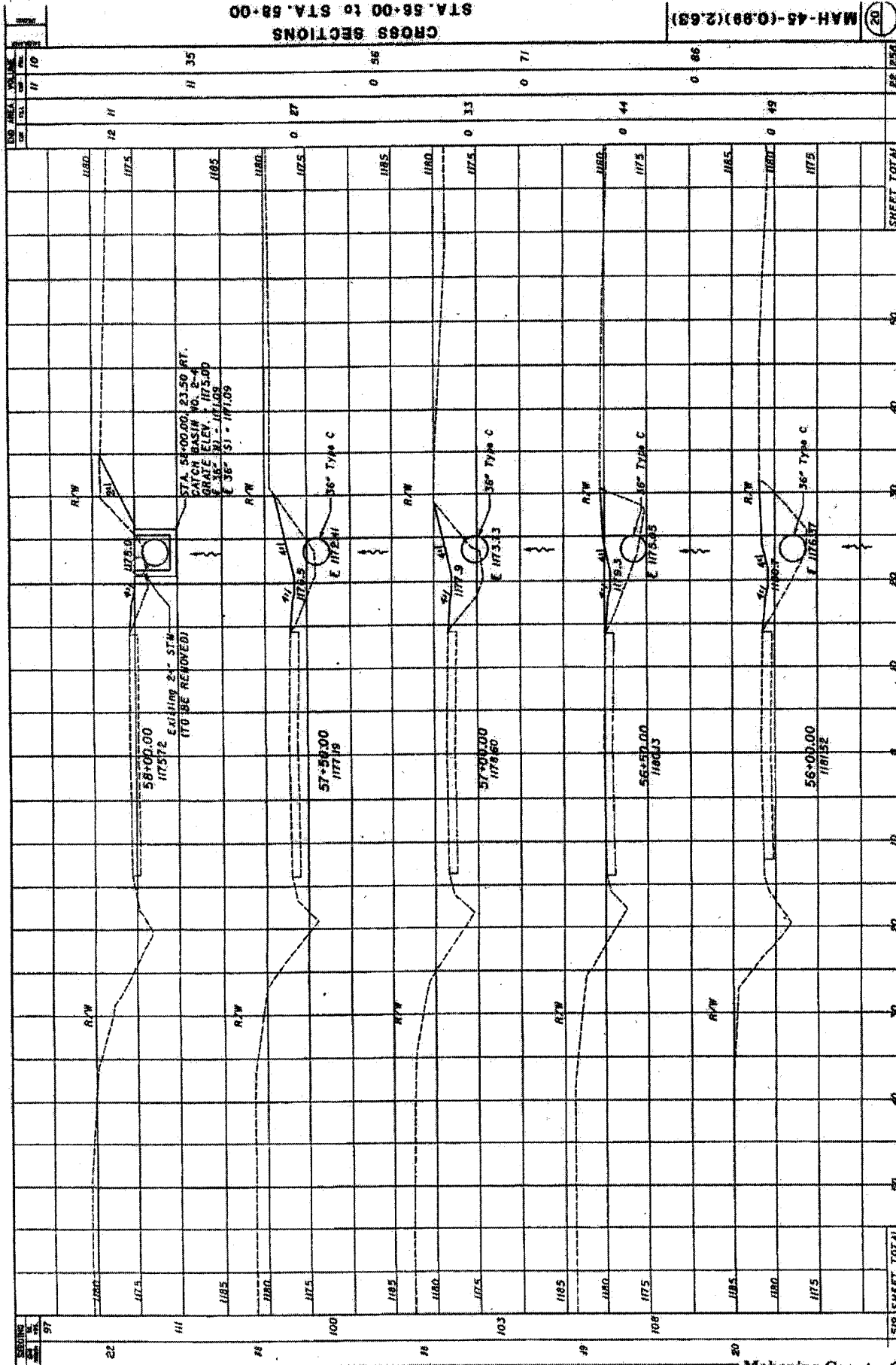


5-12-06



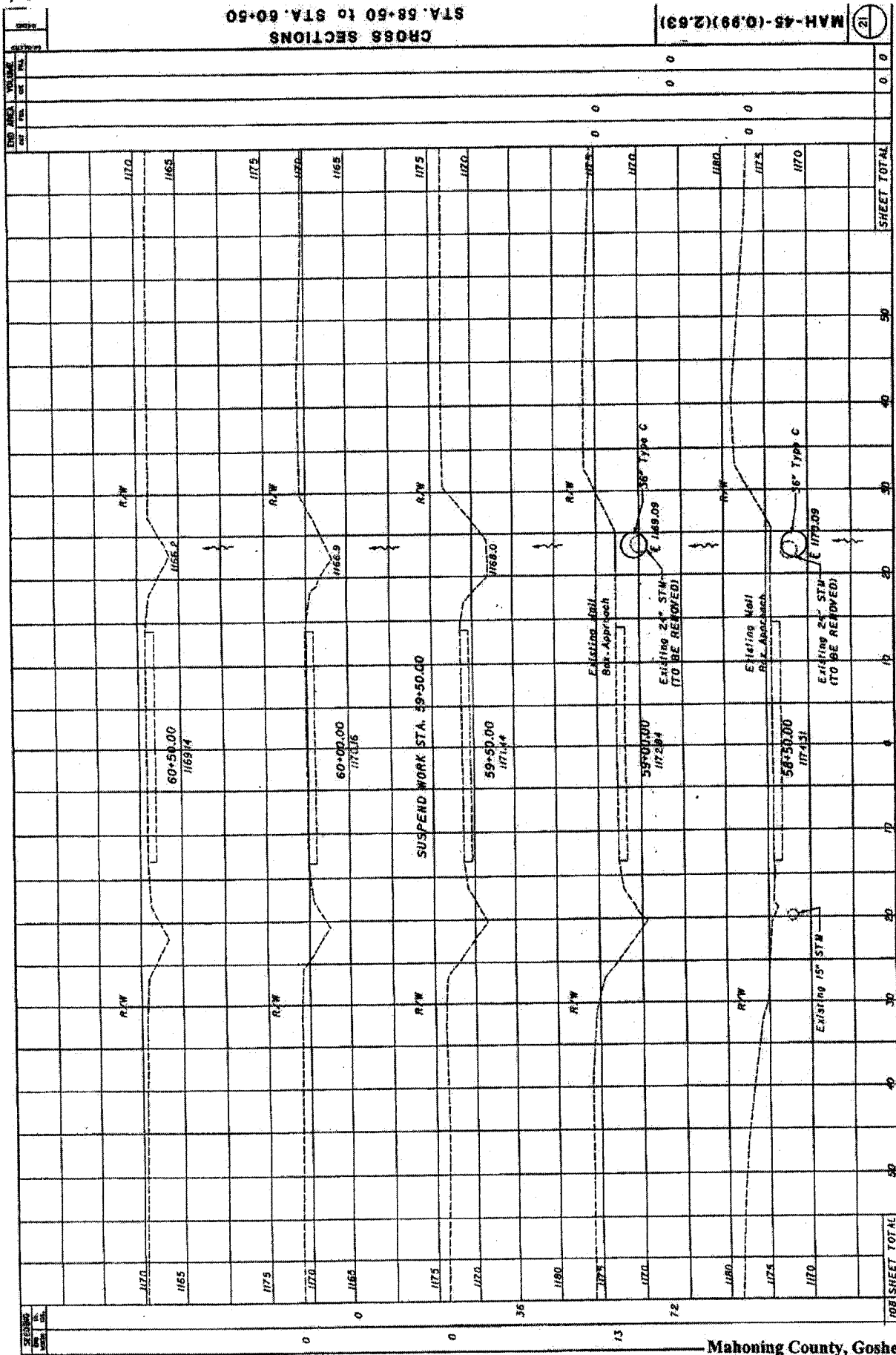
5-12-06





MAH-45-0.99(2.63)

Mahoning County, Goshen /Green TWP
Un. Trib. Middle Fork Little Beaver Creek
200600323
MAH-45-0.99
PID 19281
Page 8 of 10 5-12-04



CROSS SECTIONS
STA. 58+50 to STA. 60+50

MAH-45-(0.99)(2.63)

21

5-12-04

